

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Falahee

Atty. Docket No. FLH-11702/29

Serial No.: 10/807,999

Group No.: 3733

Filed: March 24, 2004

Examiner: P. Philogene

For: LOW PROFILE SCREW ANCHOR WITH VARIABLE AXIS/ANGLE FIXATION

APPELLANT'S REPLY BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being submitted in response to new arguments raised in the Examiner's Answer mailed June 11, 2009.

The Examiner argues that because Hunt discloses a screw with an outwardly advancing nail or pin, "clearly Hunt provides enough suggestion and motivation for one skill [sic] in the art to provide another screw..." (Examiner's Answer, middle of page 5). Appellant respectfully disagrees. Hunt discloses a single embodiment, and does not provide *any* suggestion or motivation to provide another screw."

With respect to analogous versus nonanalogous art, the inventor's field of endeavor is not "screws and clamps and rods." (Examiner's Answer, top of page 6) Rather, Appellant's field is orthopedic fixation. Screws and clamps and rods could each represent three separate fields of endeavor.

With regard to the claim language "at or near the surface of a bone once in position," while this may contain a functional element, Appellant's arguments are in response to arguments raised by the Examiner that the prior art discloses "at or near the surface of a bone once in position," which Appellant believes is not the case.

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Respectfully submitted,

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Date: August 11, 2009